



PATENT

Attorney Docket No. 02386.0046

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )

D. HEINEGÅRD et al. )

Application No. 09/609,383 )

Group Art Unit: 1644 )

Filed: July 3, 2000 )

Examiner: P. HUYNH )

For: CARTILAGE INTERMEDIATE )  
LAYER PROTEIN AND )  
NUCLEIC ACIDS THEREFOR )Assistant Commissioner for Patents  
Washington, D.C. 20231**DECLARATION PURSUANT TO 37 C.F.R. § 1.132**

I, Dick Heinegård, declare that:

1. On information and belief, attached as Exhibit A is a copy of the specification and claims for the above-identified application.

2. I have read and understand the above-identified patent application, including the claims.

3. I am a joint inventor, with Pilar Lorenzo, of the subject matter disclosed and claimed in the above-identified patent application.

4. I am a co-author of the article "Cloning and Deduced Amino Acid Sequence of a Novel Cartilage Protein (CILP) Identifies a Proform Including a Nucleotide Pyrophosphohydrolase", *J. Biol. Chem.*, 273(36):23469-23475, 1998 ("Lorenzo et al.").

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5. I have been informed, and I believe, that this article has been cited as prior art against claims of the above-identified application.

6. Pilar Lorenzo and I, together, conceived of, and originated, the work described in the Lorenzo *et al.* reference.

7. Peter Neame was an Associate Professor at the University of Tampa, not under my supervision, at the time during which the work disclosed in the Lorenzo *et al.* reference was performed. Peter Neame acted as a service provider. He obtained the amino acid sequencing of a peptide from CILP, which was used to corroborate the nucleic acid sequence of the gene. The contribution of Peter Neame was not an inventive contribution, but merely technical assistance using protein sequencing techniques well known and widely practiced in the art.

8. Yngve Sommarin was a lecturer at the University of Lund at the time during which the work disclosed in the Lorenzo *et al.* reference was performed. Yngve Sommarin acted under my direct supervision at this time, and assisted in generating cDNA clones. Yngve Sommarin also provided advice on technical issues in the cloning of CILP. The advice did not rise to the level of an inventive contribution.

9. Peter Neame and Yngve Sommarin did not make an inventive contribution to the subject matter claimed in claims 1, 3-6, 18, and/or 36-56 of the above-identified application.

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10. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements might jeopardize the validity of this application or any patent issuing therefrom.

Date: JAN 15, 2002

By:   
Dick Heinegård, Ph.D.

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